

Arizona Department of Gaming

Club Royale Poker Room Investigation

Case Number:
CRM08001134

Prepared For:

Pima County Attorney's Office

Prepared By:

**Special Agent
Special Agent
Financial Agent**

Arizona Department of Gaming

Case Number:
CRM08001134

Club Royale 2665 N. Campbell Ave. Tucson, AZ

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Type of Report: Illegal Gambling

Suspect #1:

Name: Rogers, Donna M, AKA-Mello-Rogers, Donna M, DOB , W/F, 5'05",
160lbs, brn hair/brn eyes.

Arizona Drivers License: .

Social Security:

Address:

City:

State:

Zip Code:

Employment: Co-owner Club Royale Card Room

Address: 2665 N. Campbell Ave.

City: Tucson

State: Arizona

Zip Code: 85719

Suspect #2:

Name: Rogers, Johnny Ray, DOB

W/M, 5'10", 275lbs, brn hair/brn eyes

Arizona Drivers License: .

Social Security:

Address

City:

State:

Zip Code:

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Employment: Co-owner of Club Royale Card Room
Address: 2665 N. Campbell Ave.
City: Tucson
State: Arizona **Zip Code:** 85719

Suspect #3:

Name: Lee, Harold, DOB , W/M, 5'9", 245lbs, Grey hair/blu eyes
Arizona Drivers License:
Social Security:
Address:
City:
State: **Zip Code:**

Employment: Owner/Founder of the Arizona Card League & ICGPA League
Address: P. O. Box 1754
City: Tombstone, AZ
State: Arizona **Zip Code:** 85638

Suspect #4

Name: Hauser, Charles Peter, DOB W/M, 5'10", 250lbs, brn hair/haz eyes
Arizona Drivers License:
Social Security:
Address:
City:
State: **Zip Code:**

Employment: Floor Supervisor at Club Royale Card Room
Address: 2665 N. Campbell Ave.
City: Tucson
State: Arizona **Zip Code:** 85719

Suspect #5:

Name: Wetmore, Kyle L., W/M, 28 old, 6'1"-6'3", 200-220 lbs, bln/brn hair/ brn eyes/small dark colored goatee, wearing black colored rim prescription glasses
Address:
City:
State: **Zip Code:**

Employment: Floor Supervisor/Dealer at Club Royale Card Room
Address:
City:
State: **Zip Code:**

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Suspect #6

Name: Holland, Curtis Lee, DOB
colored eyes, goatee & mustache.

W/M, 5'10, 185, lbs, crew cut brn hair, brn

Address:

City:

State:

Zip Code:

Employment: Chip Cage Cashier and possibly new owner of the Club Royal

Address: 2665 N. Campbell Ave.

City: Tucson

State: AZ

Zip Code: 85750

Suspect #7

Name: Kevin, W/M, yrs old, 5'7-5'9, 155-165lbs, bln hair w/ pony tail, blue eyes.

Address: Unk

City:

State:

Zip Code:

Employment: Card Dealer at the Club Royal

Address: 2665 N. Campbell Ave.

City: Tucson

State: AZ

Zip Code: 85719

Suspect #8

Name: Lewis, Shannon C., B/M, rs old, 5'8-5'10, 180lbs, short crop afro, drk
colored eyes. Tattoo of the name of JESSICA on his right forearm

Address: Unk

City:

State:

Zip Code:

Employment: Card Dealer at the Club Royal

Address: 2665 N. Campbell Ave.

City: Tucson

State: AZ

Zip Code: 85719

Suspect #9

Name: Kennedy, Matthew L., W/M, DOB:
eyes.

6' 1", 165lbs, brown hair, blue

Address:

City:

State:

Zip Code:

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Employment: Part-Time Floor Supervisor at the Club Royale

Address: 2665 N. Campbell Ave.

City: Tucson

State: AZ

Zip Code: 85719

Suspect #10

Name: Harden, Doug, W/M, DOB: 5', 10", 190 lbs, blk hair, blu eyes

Address:

City:

State:

Zip Code:

Employment: Poker Dealer at Club Royale

Address: 2665 N. Campbell Ave.

City: Tucson

State: AZ

Zip Code: 85719

Investigative Lead #1

Name: Barrios, Ilea B., W/F, yrs old, 5'4"-5'6", long dark hair, dark colored eyes.
Daughter of Suspect Donna Rogers

Address:

City:

State:

Zip Code:

Employment: Chip Runner at the Club Royal

Address: 2665 N. Campbell Ave.

City: Tucson

State: AZ

Zip Code: 85719

Investigative Lead #2

Name: Schaeffer, Jacob Duane, W/M, DOB: 5'9"-6'0", light brn hair, unk
colored eyes. Boyfriend of Suspect Donna Rogers

Address:

City:

State:

Zip Code:

Employment: Unknown

Address: 3500 W. Orange Grove #8105

City: Tucson

State: AZ

Zip Code: 85719

Vehicles Involved: 1. 2006 Hummer, yellow in color, w/ black stripes on the side.
AZ. plate Registered to Majestik Tattoo

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Enterprises Inc and Donna M. Mello-Rogers. Driven by
Suspect Johnny Ray Rogers.

2. **2004 Chev Corvette**, convertible, yellow in color with a blk
ragtop. AZ. plate Registered to Majestik Tattoo
Enterprises Inc and Donna Mello Rogers. Driven by Donna
Rogers.

3. **2006 Ford Crown Victoria**, White in color, appears to be a prior
police vehicle with a blk spot light mounted outside the drivers
door. AZ # Registered to Donna Mello-Rogers at
Tucson, AZ. Driven by Curtis Holland W/M,

- Agents Involved:**
1. employed at the
Arizona Department of Gaming, Phone #602-604-1801.
 2. employed at the Arizona
Department Of Gaming, Phone #602-604-1801.
 3. , employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 4. employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 5. , employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 6. , employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 7. employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 8. , employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 9. employed at the Arizona
Department of Gaming, Phone #602-604-1801.
 10. employed at the Arizona Department
Of Gaming, Phone #602-604-1801.

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11. _____, employed at the Arizona
Department of Gaming, Phone #602-604-1801.

12. _____, employed at the Arizona
Department of Gaming, Phone #602-604-1801.

Case Agents:

_____ employed at the Arizona Department
of Gaming #602-604-1801

_____ employed at the Arizona Department of
Gaming Phone #602-604-1801

Company Involved: The Club Royale Card Room located at 2665 N. Campbell Ave,
Tucson, AZ. Phone #520-325-club. Owned/Managed by Suspect
Johnny Ray Rogers and Suspect Donna Rogers.

Undercover Funds:

1. \$20.00 in U.S. currency paid to Suspect Donna Rogers for a 1
year Membership fee to the International Card and Game Players
Association, (ICGPA). Club Royale Card Room _____ for Agent
on July 30, 2008. (Exhibit #1)
2. \$20.00 in U.S. currency paid to Suspect Donna Rogers for a 1 year
Membership fee to the International Card and Game Players
Association, (ICGPA). Club Royale Card Room _____ for Agent
on July 30, 2008. (Exhibit #2)
3. \$130.00 in U.S. currency paid to SP#5 Kyle for poker chips, by
Agent _____ to play in a live \$1.00-\$2.00 no limit Texas Hold'em
game inside the Club Royale Card Room located at 2665 N.
Campbell Ave, Tucson, AZ on July 30, 2008.
4. \$100.00 in U.S. currency paid to SP#5 Kyle for poker chips, by
Agent _____ to play in a live \$1.00-\$2.00 no limit Texas Hold'em
game inside the Club Royale Card Room located at 2665 N.
Campbell Ave, Tucson, AZ on July 30, 2008.
5. \$300.00 in U.S. Currency paid to IL #1 for poker chips, by Agent
_____ to play in a live \$1.00-\$2.00 no limit Texas Hold'Em game
inside the Club Royale located at 2665 N. Campbell Ave, Tucson,
AZ on August 12, 2008.
6. \$215.00 in U.S. Currency paid to SP#6 Curt for poker chips, by
Agent _____ play in a live \$1.00-\$2.00 no limit Texas Hold'Em

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game inside the Club Royale located at 2665 N. Campbell Ave, Tucson, AZ on August 21, 2008.

7. \$175.00 in U.S. Currency paid to SP#6 Curt for poker chips, by Agent , play in a live \$1.00-\$2.00 no limit Texas Hold'Em game inside the Club Royale located at 2665 N. Campbell Ave, Tucson, AZ on August 28, 2008.

8. \$75.00 in U.S. Currency paid to SP#6 Curt for poker chips, by Agent to play in a live \$1.00-\$2.00 no limit Texas Hold'Em game inside the Club Royale located at 2665 N. Campbell Ave, Tucson, AZ, on September 27, 2008.

9. \$155.00 in U. S. Currency paid to from winnings by Agent after playing in a live \$1.00-\$2.00 no limit Texas Hold' Em poker game inside the Club Royale located at 2665 N. Campbell Ave, Tucson, AZ on October 16, 2008.

Poker Terms Used: 1. The Button- A small white round plastic disc placed on the card table which designates the player that will receive the first card dealt in that hand, and identify the player required to pay the \$3.00 to \$5.00 House fee for the ability to remain in the card game.

2. Rake- Term loosely used by patrons to identify the portion of money that will be going to the House, (Club Royale Card Room) on each hand dealt.

3. Small Blind- A dollar amount established prior to a Texas Hold'em poker game being started which is usually half the amount of the maximum bet. The bet goes to the first player left of the button on the table.

4. Big Blind- A max dollar amount established prior to a Texas Hold'em poker game being started as being the max bet on the table. The bet goes to the second player left of the button.

5. No Limit- Term used that once the original bet is made a player can raise any amount of money as long as he has the total amount in poker chips in front of him.

6. Pot Limit- A bet an active player on the table can make as long as the bet does not exceed the total amount currently in the table pot at the time of his/her bet. The player is able to bet additional cash from his/her pocket and can place the currency into the pot on the table at the time of their bet.

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7. Buy In- the minimum amount of poker chips a player must purchase and the max amount of poker chips a player can purchase in order to play in a game.

8. Omaha - is a high low split game. Players start with four "down" cards. Players share five "community" cards (which are dealt face-up in the center of the table). You MUST use two and only two of your four "down" cards and three out of five "up" community cards to form your best hand (either for the high or low or both). There is no qualifying on the "High" side - the best high hand automatically wins half the pot and could win the whole pot if no low qualify. To win the "Low" side of the pot, however, you must qualify (which is why the game is named Omaha "8 or Better").

Usually there are two types of Omaha hi low games played:
Limit Omaha 8 or Better (there is a specific betting limit applied in each game and on each round of betting) Pot Limit Omaha 8 or Better (A player can bet what is in the pot.)

9. Texas Hold'em (also known as Hold'em) is the most popular poker game in the world. There are three variations of Texas Hold'em, distinguished by their betting limits:

- **Limit Texas Hold'em** (there is a specified betting limit in each game and on each round of betting)
- **Pot Limit Texas Hold'em** (A player can bet what is in the pot.)
- **Limit Texas Hold'em** (A player can bet all of his chips at any time.)

The First round of Texas Hold'em:

The two players immediately to the left of the dealer button place **blind bets** to start the pot (similar in principle to an ante). The player to the left of the dealer button posts the "**small blind**" (usually equal to half the lower stake. At PartyPoker.com the small blind is rounded down to the nearest dollar. However, as it is just a guideline, the amount of the small blind could be set slightly differently).

The player to the left of the small blind is required to post the "**big blind**," equal to the lower stake limit. All the blinds in Hold'em poker are considered live bets and the players who posted them will have the option of checking, calling, raising or folding when the betting returns to their position. Remember, the dealer button (and therefore the small blind and the big blind) move around the table clockwise after each hand, so each player will post the blind bets

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over time.

Once the blinds have been placed, two secret cards are dealt to each player ("hole cards"), after which the first betting round starts. The player to the left of the player who placed the big blind starts the betting for this round.

Each player now has the option to place his bets in the first round, which is set at the lower limit of the stakes structure. (For example in a \$10/\$20 Hold'em game, the value of each bet is \$10 for the first round. Therefore, when a user makes the move "bet," this is equal \$10, and "raise" is \$20...a raise includes a call on the previous bet placed and one additional bet.)

Bets can be placed by playing **Bet**, **Call** or **Raise**. These options are available depending on the action taken by the previous player. Each player always has the option to **fold**. The first player to act has the option to bet, call or raise. Subsequent players have the option of calling or raising. To call is to bet the same amount as the previous player has bet. To raise is to match the previous bet and increase the bet.

Every player participating in the hand should have equal amounts of money bet as the previous players (includes bets, calls and raises). Until the time all the players have placed equal amounts in the pot, the betting will continue. There is a limit on the amount and the number of bets a player can place during a betting round (four bets for limit games).

After the first round of betting is over, the **Flop** (the first three community cards) is dealt. The community cards are common to all the players participating in the hand.

The Second Round of Texas Hold'em:

After the Flop (and in each subsequent betting round), the first active player left of the dealer button is first to act. The second betting round also limits the value of bets and raises to the lower limit of the stake structure. So in a \$10/\$20 game, the value of each bet is \$10 for the second round.

Bets can be placed by playing Bet, Call and Raise. These options are available to each player depending on the action taken by the previous player. The first player to act in this round (the player left to the button) gets the option to bet or to check (to refrain from

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betting...this is only available if no bet has yet been made in the betting round). Once a player has bet, subsequent players will get the Call and Raise options only.

After this the fourth community card is dealt; this is known as the Turn.

The Third Round of Texas Hold'em:

The third betting round starts again with the player left to the button, bets and raises are limited to the upper limit of the stake structure (in a \$10/\$20 game, \$20 is the upper stake...therefore, a single bet in this instance is \$20, and a raise is \$40 – includes a call on the previous bet and one additional bet). Bets can be placed by playing any of the following options – Bet, Call and Raise. Combinations of these options are available to the player depending on the action taken by the previous player.

After this the fifth and final community card is dealt; this is known as the River.

The Fourth Round of Texas Hold'em:

The fourth (and final) betting round starts again with the player left to the button, bets and raises are limited to the upper limit of the stake structure (in a \$10/\$20 game, \$20 is the upper stake). Bets can be placed by playing any of the following options – Bet, Call and Raise. Combinations of these options are available to the player depending on the action taken by the previous player.

Once all the bets have been made, there are two possible outcomes: either all the players but one have folded (and hence that person wins the pot), or the remaining players reveal their hands and the best hand wins the pot.

The game play remains same for both No-Limit and Pot-Limit Texas Hold'em game with a few exceptions to the rules mentioned above:

In limit Texas Hold'em a maximum of four bets is allowed per player during any betting round. This includes a (1) bet, (2) raise, (3) re-raise, and (4) cap, but in No-Limit Texas Hold'em and Pot-Limit Texas Hold'em there is no limit to the number of raises that a player can make. The only limit is that you cannot raise yourself. If

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all the other players in the hand only call or fold, the player would not get an option to raise, because the last raise was done by him.

Betting Structure for No-Limit Texas Hold'em Poker

Minimum raise: The raise amount must be at least as much as the previous bet or raise in the same round. As an example, if the first player to act bets \$100 then the second player must raise a minimum of \$100 (total bet of \$200).

Maximum eligible raise: The size of your stack (your chips on the table)

The Betting Rules for Pot-Limit Texas Hold'em Poker

Minimum eligible raise: The raise amount must be at least as much as the previous bet or raise in the same round. As an example, if the first player to act bets \$100 then the second player must raise a minimum of \$100 (total bet of \$200).

Maximum eligible raise: The size of the pot, which is defined as the total of the active pot (which can be either the main pot or the side pot depending on whether anyone has gone "all-in") plus all bets on the table plus the amount the active player must first call before raising.

As an example, if the active pot is \$200 and the first player to act in the round bets \$150 and the next player calls \$150, the third player has a maximum eligible total bet of \$800. The \$800 total is made up of the \$150 call and \$650 raise. The \$650 max raise portion is equal to the pot of \$200 + first player's \$150 + second player's \$150 + his own call of \$150.

Prosecution Desired: Yes

A. INTRODUCTION:

1. On July 30, 2008, Agents of the Arizona Department of Gaming traveled to Tucson, Arizona to conduct a criminal investigation into the Illegal Gambling operations of Johnny Ray Rogers and Donna Rogers. Both Johnny Ray Rogers and Donna Rogers have been operating the Club Royale Card Room in Tucson, AZ, since July 25, 2008. "The Club Royale" located at 2665 N. Campbell Ave., in Tucson, Arizona, and presently operating hours are from 12:00 PM until the last game ends around 4:00 AM.

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B. BACKGROUND:

2. On Tuesday July 29, 2008, Agent [redacted] was informed by [redacted] that while [redacted] was checking the web site involving the Arizona Card Room [redacted] found a new poker room listing named Club Royale Card Room, the card room had recently opened at 2665 N. Campbell Ave., in Tucson, AZ. The Arizona Card Room is owned and operated by Mr. Harold Lee also known as "The Judge", who is currently being investigated by the Arizona Department of Gaming for conducting an Illegal Gambling Operation involving his poker room activities in Sierra Vista, AZ.

3. According to the advertisement on the internet website, The Club Royale Card Room is located on the southwest corner of W. Mitchell and N. Campbell Ave., at 2665 N. Campbell Ave., in Tucson, AZ. Registration to play begins at 4:30 PM and the game begins shortly after that. The card room Managers are listed as Donna and Johnny Ray Rogers listed Suspects #1 and #2. Agents obtained information that the house ie., the Club Royale, is receiving a rake on every hand played in these poker games which makes the game illegal, as the house receives a direct benefit from the game.

4. On Wednesday July 30, 2008, at approximately 1830 hours, while working in an undercover capacity Agent [redacted] and Agent [redacted] arrived at the Club Royale located at 2665 N. Campbell Ave., in Tucson, AZ, in an attempt to play in a live poker game.

5. Upon entering the building Agent [redacted] was contacted by a W/M who identified himself as Johnny Ray and was later identified as Suspect #2. Johnny Ray advised that he was the owner of the card room along with his wife Donna later identified as Suspect #1. Johnny Ray went on to state that he did not currently have a poker game going but he would have one going in about 45 minutes. Johnny Ray asked if the agents were current members of the state poker organization and they told him that they were not. Johnny Ray informed them that they had to purchase a one year membership to play in his poker room which would cost \$20.00. Agent [redacted] advised him that [redacted] had a membership from Judge Lee's poker room located in Sierra Vista, AZ. Johnny Ray then advised the agents that if they were current members with Judge Lee that they did not have to purchase a membership card from him. Agent [redacted] told Johnny Ray that [redacted] membership through Judge Lee had probably expired, as it had been over a year since they had played at Judge Lee's poker room. Johnny Ray then advised Agent [redacted] that his wife identified as Suspect #1 Donna Rogers who was sitting at a small desk just west of the front door of the business could check on her computer to see if they had a current membership. Johnny said that Judge Lee's members were accepted in all poker rooms in the State of Arizona. Agent [redacted] asked Johnny Ray why the Judge's (referring to Harold Lee memberships) are accepted in any Arizona card room. Johnny Ray advised that Judge Lee is responsible for assisting in opening all of the various card rooms in Arizona and that each card room is paying him a percentage fee for each new member that joins the International Card & Games Player Association (ICGPA) in order to play in any Arizona Card Room.

6. While talking with Johnny Ray and Donna Rogers Agent [redacted] looked around the card room and observed that the Club Royale had eight (8) poker tables set up in the room, each

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table had chairs set up for nine players. Each table also had a video camera in the ceiling to access the business interior and to monitor all tables and active poker games. The club also has four additional video cameras set up through-out the building with one camera focused on the front entrance and one covering the office area just west of the front door. The third video camera was focused on the front of the poker chip cage located in the southeast portion of the building. A poker chip cage is the area a player purchases poker chips to play in a live poker game. The cage is secure and the only subjects who have access to the chips are the employees who are working the card room. The fourth video camera is located in the middle of the room covering the entire open area. Also in the middle of the room is a lounge area with two couches and three flat screen TV's turned on to various sports channels. The lounge is a waiting area for players and employee's to relax from the poker tables. The Club Royale is designed to look and feel exactly like a professional card room found in any Casino in the country and the room is set up for poker play only.

7. Agent told Johnny Ray that and Agent would come back in about an hour to play cards. Donna Rogers then asked for Agent cell phone number so she could call sooner if more players showed up in the next half hour. Agent gave Donna Rogers cell phone number and both Agents left the club.

8. At approximately 1900 hrs, Agent received a phone call from Donna Rogers advising that they were about to start up a poker game in the next 15 minutes. Agent advised Donna that they were just up the street and would be there in about 10 minutes.

9. At approximately 1915 hrs, Agent and Agent returned to Club Royale located at 2665 N. Campbell Ave., and contacted Donna Rogers. She requested that they fill out a membership form to join the ICGPA card league. Agent completed the form using a fictitious name and date of birth. Agent did use an active work related e-mail address which also uses to obtain information on active poker games in the State of Arizona. Agent also completed membership form and they then handed them back to Donna Rogers.

10. Donna asked both agents for some form of identification. Agent advised Donna Rogers that did not have identification and she advised that it was okay. Agent then handed her an Arizona Driver's License that expired on April 24, 1995. Donna Rogers then handed Agent a Club Royale membership card, that looks like a smaller version of a regular poker card with the name Club Royale on the front, the address of 2665 N. Campbell Ave., Tucson, AZ., the club phone number 520-325-club and the fax number of 520-323-club. On the back of the card was an Ace of Spades symbol dated 07/30/08, the agent's fictitious name, member number and the card was signed by Donna Rogers. (See Exhibit #1). Agent membership card was identical to Agent with the exception of the number appearing on the back. (See Exhibit #2). While Donna Rogers was processing the membership cards she advised Agent that within a couple of days she would have the Club Royale website up and running. She

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advised Agent that she currently has her advertisement on Judge Lee's Arizona Card Room website.

11. Johnny Ray then walked Agent and Agent to the poker chip cage area to purchase poker chips. Agent observed several subjects seated at one of the poker tables waiting to start a game.

12. Agent then purchased \$100.00 dollars worth of poker chips with undercover funds and Agent also purchased \$100.00 dollars worth of poker chips from undercover funds. Johnny Ray then advised both to take a seat at the open poker table where several subjects were already seated. Agent sat in the #7 seat on this table and Agent sat in the #6 seat. SP#10 was sitting in the dealer's seat at the table along with several additional players at the table. Johnny Ray then approached the table and sat down in the #4 seat. He had approximately \$300.00 worth of chips in front of him. Agent observed that most players had approximately \$300.00 worth of chips in front of them. The buy in for the game was a minimum of \$100.00 and the max was \$300.00.

13. Agent was advised that the game was going to be Texas Hold'Em \$1.00 to \$2.00 no limit. This means that the players at the table bet one dollar on the small blind and two dollars on the big blind. Once the initial bet has been met a player may raise any amount of chips as long as he has the total amount in front of him. The small blind is the first player left of the dealer's button and the big blind is the player to the left of the small blind. The house supplies a dealer who will initially deal out a card to each player prior to the start of the game to see where the deal will start on the table. High card dealt will determine where the deal will start and the dealer button will be placed in front of the high card on the table. Once a hand is completed the dealer button moves clockwise around the table and is placed in front of the next player.

14. The dealer button shows that the next hand dealt will be the last player on the table to receive a card. Prior to the poker hand being dealt Agent was informed that the player who has the dealer button in front of him will place \$3.00 on the button. The \$3.00 then becomes the house rake which is removed by the dealer and placed into a separate metal container placed on the floor next to the dealer's right leg. This money strictly belongs to the house or in this case it belongs to Johnny Ray and Donna Rogers. Agent also observed at the end of each hand the player who won the hand would tip the dealer at the table any amount from \$1.00 to \$10.00.

15. After several poker hands were played, Agent observed Donna Rogers walk into the chip cage and carry out \$300.00 worth of poker chips. Donna then sat down in the #8 seat at our table and began playing in the game. With Johnny Ray already active in our game, this action clearly shows that the owner/managers are both active in playing in this live illegal poker game.

16. After several additional hands were played two patrons showed up to play in the only game that was currently active at this time. Donna Rogers got up from the table and let

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one of the patrons sit in her seat. Agent observed Donna go back into the chip cage and place her chips on the counter. She then came back out of the cage and watched our table game.

17. Over the next hour Agent continued to play in the live game and counted how many hands were being dealt over this period by the listed SP Harden and SP Wetmore. A total of 41 hands were dealt from 1935 hrs to 2035 hours. By Agent direct observations, the house was making an average of \$123.00 per hour on the rake from the one active table.

18. During the time that Agent was playing in the game, Johnny Ray advised several patrons that he had invested a total of \$50,000.00 dollars in furnishing the poker room. He also stated that he currently has the most secure poker room in the State of Arizona, with the exception of the poker rooms located at the Casinos. Johnny Ray continued by saying that within several months he will have the biggest money making poker room in the State and that he will be making more money from his poker room than he makes from his tattoo parlors.

19. During Agent conversation with Johnny Ray he said that he owns two tattoo parlors in Tucson. Johnny Ray also said that a currently established poker group in the Tucson area planned to start playing in his poker room soon. Johnny Ray said that the group has a total of 300 members or more and he wants them to play in his poker room which will generate more action in his club. Johnny Ray also advised that he had bottled water and coffee free to anyone who wanted some, he then pointed at a refrigerator and coffee pot along the south wall of the business.

20. Johnny Ray and Donna Rogers have full knowledge that they are making a profit from the rake off each poker hand dealt in their poker room. They both made direct statements to Agent that they wanted to have more active games going on in their poker room so that they can replace all monies spent by them to open the poker room.

21. While sitting at the table Agent purchased an additional \$100.00 worth of poker chips with my undercover funds. Agent continued to play poker for approximately 20 minutes and then decided to cash in remaining poker chips. Agent walked over to the chip cage and IL #1 then cashed out giving \$50.00 in U.S. currency. Agent played for approximately 10 additional minutes and then both agents left the Club Royale.

22. On Thursday July 31, 2008, Agent retrieved a copy of the Arizona Daily Star, a Tucson, AZ., based newspaper that had printed a front page article about the Club Royale Card Room opening at 2665 N. Campbell Ave. The article contains information stating that both Donna & Johnny Rogers advised reporter Brian Pedersen that they own the card room and that the house is in fact taking a rake prior to the hands being dealt in each game. They both admitted in the article that the rake that is taken prior to each hand being dealt goes to paying SP#3 Harold Lee a percentage as a franchise fee for the Club Royale Card Room. These actions show that Suspect/s Donna and Johnny Ray Rogers are admittedly

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involved in an illegal poker game as stated in Arizona Revised Statute 13-3304 and Promoting Gambling as stated in Arizona Revised Statute 13-3303A.2. (See Exhibit #4).

23. On August 4, 2008, [redacted] received a telephone call from [redacted] of the Tucson Police Department. [redacted] informed [redacted] that local business owners, residents and the City Council had requested that the Tucson Police Department check the activity surrounding the Club Royale Gambling operation located at 2665 N. Campbell Avenue.

24. [redacted] informed [redacted] that the Arizona Department of Gaming was aware of the operation and would be willing to investigate the activities of the Club Royale jointly with the Tucson Police Department.

25. [redacted] assigned [redacted] as the lead investigator from the Tucson Police Department. [redacted] entered the Club Royale on July 30, 2008 with Special Agents [redacted] and [redacted] and participated in a live poker game with Agent [redacted]

26. On Monday August 11, 2008, Agent [redacted] conducted a computer background check on the internet through the Public Access System to see if Suspects Johnny Ray or Donna Rogers had filed their company or corporation, the Club Royale with the Arizona Corporation Commission. Agent [redacted] was unable to locate any information related to this business.

27. On Tuesday August 12, 2008, 0900 hrs, ADG Agents traveled to Tucson, AZ to continue the ongoing investigation of Club Royale. [redacted] instructed Agent [redacted] and Agent [redacted] that they were going to return to the Club Royale located at 2665 N. Campbell Ave., in Tucson in an undercover capacity to observe the card games and determine if the card games were continuing to operate the way they were on July 30, 2008. [redacted] also advised that [redacted] and [redacted] would set up as cover and surveillance outside Club Royale.

28. At approximately 1830 hrs, Agent [redacted] went back into the Club Royale located at 2665 N. Campbell Ave., in Tucson, AZ., to see if [redacted] could play in a live poker game and gain any additional information on how the card room was operating.

29. Once inside Club Royale Agent [redacted] observed that the club had two live poker games going on with 9 players on the table along the south wall and 8 players on the table along the north wall. SP#5 Kyle Wetmore walked up to [redacted] and asked if [redacted] wanted to get into a game. Agent [redacted] asked him what the table stakes were at this time. Table stakes is a term used in poker advising the minimum and maximum dollar amount to be paid for each hand played at the table. SP#5 Kyle advised that the game (pointing to the table along the south wall of the club) was a \$5.00-\$10.00 no limit Texas Hold'em and the other table (pointing to the table along the north wall) was a \$1.00-\$2.00 no limit game. Agent [redacted] advised SP#5 Kyle that [redacted] wanted to play in the \$1.00-\$2.00 no limit game. Agent [redacted]

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also asked SP#5 Kyle why an unmarked police car was parked in the parking lot. Kyle advised that Donna referring to Donna Rogers purchased the vehicle to make it appear like a police officer was inside the card room and it would deter a robber from thinking about trying to rob the place.

30. SP#5 Kyle then escorted Agent [redacted] to the \$1.00-\$2.00 no limit table and advised to take seat #4 at the table. IL#1 Ilea Barrios then walked over to Agent [redacted] and asked [redacted] what dollar amount of chips [redacted] wanted to purchase. Agent [redacted] advised her that [redacted] needed \$300.00 worth of chips and then handed her \$300.00 from [redacted] undercover funds. IL #1 Ilea then walked over to the chip cage and returned with a chip rack containing \$300.00 in poker chips.

31. Agent [redacted] began playing in this \$1.00-\$2.00 no limit Texas Hold'em game and observed that SP#8 Shannon Lewis was currently dealing at the table. Once again Agent [redacted] observed that the player with the button in front of him had placed \$3.00 worth of poker chips on the button and the dealer was removing the chips and placing them into a metal container on the floor next to his right leg. This shows again that the Club Royale is taking a house rake prior to each hand dealt. While playing at the table Agent [redacted] observed several patrons standing in the lounge area of the poker room. Agent [redacted] also observed Suspect Donna Rogers very active in managing the operations of the poker room. Suspect Donna was actively signing up new members to the card club association and trying to get a third poker table started.

32. As Agent [redacted] continued to play [redacted] struck up a conversation with several patrons at the table. Agent [redacted] learned that each one of these patrons had become regulars at the card room and they informed [redacted] that the Club Royale has been averaging at least four to five active poker tables nightly for the past several days. The table action has increased and the games are getting bigger every night. One patron advised Agent [redacted] that he had been in a live game until around 8:00am this morning and the winner of that game walked away with at least \$17,000.00 to \$18,000.00 dollars. This patron a W/M approximately 30 years of age further advised that if Agent [redacted] wanted some real poker action needed to come back around midnight when the real high dollar players show up.

33. These statements continue to show that the Club Royale is becoming a higher stakes poker room as time goes on. A second patron advised that the club has had at least 3 tables going until around 3:00-4:00 AM every night for the past week. This shows that the Club Royale has in fact increased its membership in their association. Agent [redacted] was also informed that since the club has become so active the bottled water is still free, but now there is a \$1.00 charge for juices and \$3.00 for coffee. A sign has been placed by the coffee stand asking these amounts in donations but the patron advised that is was an unspoken rule in the club that the dollar amounts were the cost for these items because nothing was free anymore. Also at the front desk area of the Club Royale, snacks are sold for \$1.00 each. This continues to show that the Club is now receiving an indirect profit from the sale of the above mentioned items.

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34. Agent then asked SP#5 Kyle how the higher stake game compared to the \$1.00-\$2.00 game was currently playing in. SP#5 Kyle advised that on that game the minimum buy in is \$200.00 instead of \$100.00 and the maximum buy in is \$400.00 instead of \$300.00. He also advised the game has a lot of action and moves a lot faster than the game Agent was playing in. Agent advised SP#5 Kyle that maybe would get into the game a little bit later. SP#5 Kyle further related that the real action games usually start up around midnight and the club will stay open as long as they have an active game going.

35. While playing Agent started counting how many hands were dealt by the dealers at table over the next hour. From 1900 hrs - 2000 hours Agent counted 37 hands dealt by the dealer with the house taking \$3.00 per hand. The house had six active dealers working this night with them rotating out from each table after dealing for 30 minutes. Agent also observed that Suspect Donna had started a third game of a \$1.00-\$2.00 no limit Texas Hold'em game. Agent also observed that the third game had nine active players. Agent continued to watch the action on all three tables and observed the dealers taking a \$3.00 rake prior to each hand being dealt.

36. Over the next 45 minutes Agent observed that both Donna and Johnny Ray Rogers were controlling all the live games at the Club Royale.

37. At approximately 2045 hrs, Agent was about to leave the Club Royale when was advised that Suspect Donna was starting a fourth active table for the night. As Agent was leaving was advised by SP#5 Kyle to come back since (they) meaning the club, would probably have games going all night.

38. The actions that Agent observed during the time was in Club Royale on August 12, 2008, from 1830 hrs to 2045 hrs show that the club has become very active. With three active tables going while Agent was present the house made a minimum of \$330.00 dollars per hour from the house rake they took prior to each hand dealt. With a forth table becoming active prior to Agent leaving the Club Royale, the house rake would go up approximately an additional \$70.00 to \$90.00 per hour.

39. On Wednesday August 20, 2008, Agents from the Arizona Department of Gaming reported to Tucson, AZ., to attempt to locate all financial institutions the suspects may be using for their business The Club Royale located at 2665 N. Campbell Ave.

40. At approximately 2130 hrs, Agent set up a short surveillance at the Club Royale located at 2665 N. Campbell Ave., to see what kind of gaming activity was going on. Agent counted 37 vehicles parked in the two parking lots belonging to the Club Royale and 5 active poker tables going inside the club at this time. Agent observed no less than an additional 15 subjects standing around in the poker room waiting to get onto an active table. This continues to show that the Club Royale has greatly increased its membership and activity since it first opened in the last week of July 2008.

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41. Suspect's Johnny Ray and Donna Rogers have continued to increase their hourly profit from the table rake that is being generated from the active tables in the club. The club had five active tables going with the dealers averaging approximately 33 to 37 dealt hands per hour and the house taking a \$3.00 rake per hand. Suspect's Johnny Ray and Donna Rogers are averaging approximately \$555.00 an hour with five active tables going, continuing to increase their business profit.

42. On Thursday August 21, 2008, at approximately 0400 hrs, Agent observed that the Club Royale had one poker table still playing an active game at this time. Agent counted eight (8) players on the table which included Suspect Donna on the table. Suspect Johnny Ray had advised on prior occasions when Agent was in the poker room that he will continue to have his club open all night as long as he had an active game going. Agent was able to observe through the north section of the club where glass windows cover the entire area that the dealer was still taking a table rake of \$3.00 on each hand dealt.

43. The card game continued until 0830 hrs, on August 21, 2008, at which time ADG Agents observed SP#5 Kyle place a Glock brand semi-auto pistol into a holster that was attached to a belt on his person. Suspect Donna then locked up the Club Royale and drove southbound in the above listed yellow corvette with SP#5 Kyle following directly behind her on the above listed motorcycle. Suspect Donna then went east on Grant St and SP#5 Kyle stayed directly behind her on his motorcycle.

44. Suspect Donna continued eastbound on Grant Street as SP#5 Kyle stayed directly behind her making sure no vehicle would be able to get in between them. SP#5 Kyle then drove into a duplex complex located just south of Grant Street and Tanque Verde parking his motorcycle at on the front porch. Surveillance continued to follow Suspect Donna who then drove north on Tanque Verde and drove directly to her residence located at

45. On August 26, 2008, at approximately 2030 hrs, Agent and I, while working in an undercover capacity went back into the Club Royale to obtain any additional new information about the club operations and to see if the illegal poker games are still going on. ADG Agents also set up an outside surveillance of the Club Royale providing coverage for Agent and myself along with obtaining various license plate numbers of patrons who have been going into the club to participate in the illegal poker games. (See surveillance supplements).

46. Once inside the club, Agent observed four active poker games being played. Agent was met by SP#4 Hauser who advised me that he had an open seat on the \$1.00-\$2.00 no limit table. Agent advised SP#4 Hauser that would take his seat and then handed him \$300.00 dollars from undercover funds to purchase poker chips. Once Agent was seated observed that the game going on behind was a \$5.00 / \$5.00 Texas Hold'Em no limit game. This means that the minimum ante was \$5.00 and every bet after the flop was a minimum of \$5.00 dollars and the pot goes up to no limit. This type of game can become very expensive for the player since the average pot is

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around \$500.00 to \$800.00 dollars. Also the Club Royale had a \$10.00-\$20.00 no limit Texas Hold 'Em game going on another table. This means that the minimum bet is \$10.00 and the maximum bet will be \$20.00 for the flop and then a no limit bet goes into effect on the turn card. This too becomes a very expensive game since most hands played generate a minimum pot of about \$800.00 to \$1200.00 dollars. This shows that the activity inside the Club Royale was now focusing on the professional type player who would have to have a lot of money or a financial backer to play in this type of action.

47. While playing in this game Agent struck up conversations with several patrons. Agent learned that Suspects Johnny Ray and Donna Rogers's poker room referring to the Club Royale was becoming the biggest attraction in poker play in the Tucson area. The card players in the city of Tucson had been telling all of the active card players playing at the Indian Casinos that the Club Royale had more live action than the Casinos and that a decent player had a good opportunity to make a lot of money playing there. According to the patrons, Club Royale Suspects Johnny Ray and Donna Rogers are making a lot of money daily from all of the active card games they have going on inside the Club Royale.

48. At approximately 2130 hrs, Agent stood up at the poker table and walked to the chip cage to cash in poker chips. While Agent was standing at the chip cage heard Suspect Donna advising several patrons that she was about to start a \$20.00-\$40.00 Texas Hold'Em game. This type of game only attracts professional card players who have at least \$1,000.00- \$3,000.00 dollars in their bankroll to play. After hearing this conversation Agent exited the Club Royale and met up with ADG Agents at a pre-determined location.

49. On Wednesday August 27, 2008, at approximately 1300 hrs, ADG Agents set up surveillance at the residence of Suspect's Johnny Ray and Donna Rogers, at Tucson, AZ., in an attempt to locate any financial institutions that they may be using to deposit their daily proceeds from the Club Royale. This surveillance revealed no useful activity involving the listed suspects.

50. On Thursday August 28, 2008, at approximately 0500 surveillance was set up at the Club Royale located at 2665 N. Campbell Rd, in an attempt to locate any financial institutions that Suspects Donna and Johnny Ray Rogers might be using to deposit their daily profits.

51. Upon arrival Agent observed that the Club Royale had one active game going on the poker table located in the southwest corner of the room. The table had nine active players playing in the game including Suspect Johnny Ray Rogers who was seated in number six seat.

52. Agent observed very little activity going on in the poker room with the exception of the active game over the next several hours. Agent did observe that the

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subject who was dealing the game was still taking a table rake prior to each hand being dealt.

53. At approximately 0830 hrs, Agent observed a work truck pull up to the north parking lot of the Club Royale and removed what appeared to be a new wrought iron type cage for the chip cage inside. Suspect Johnny Ray Rogers assisted the workers by helping carry the cage into his business.

54. During the next 3 hours Johnny Ray Rogers continued to play in the live poker game that was still going on inside the Club Royale and at no time did he leave the establishment.

55. On August 28, 2008, at approximately 2000 hrs, Agent and Agent while working in an undercover capacity entered Club Royale located at 2665 N. Campbell in an attempt to obtain any additional information about the daily operations of the club.

56. Agent had advised Suspects Johnny Ray and Donna Rogers on previous contacts that was interested in purchasing a card room and that wanted to obtain all the information needed from them to open his own franchise. (See Agent supplement)

57. Agent observed that the club had two active games going at this time. The table located in the southwest corner of the room had a \$5.00 & \$5.00 pot limit Texas Hold' Em game in progress. This game means that the minimum bet is \$5.00 and the players bet as much money as is in the pot at any time during the game making this is a very expensive game since a player is able to put in cash to cover his bet. The table located in the northeast corner of the card room had a \$1.00-\$2.00 no limit game in progress and they currently did not have an open seat.

58. Agent advised SP#4 Hauser that was willing to wait to get into the \$1.00-\$2.00 game at which time name was on the waiting list. Agent then walked around the card room area and observed that Suspect Johnny Ray and Donna Rogers were now selling poker merchandise inside their business. Agent also observed that they had placed an ATM along the west wall of the business. This shows that club activity has increased and that an ATM needed to be more readily available.

59. As Agent was walking towards the \$1.00-\$2.00 game observed Suspect Johnny Ray Rogers sitting in the five seat on the 5/5 pot limit game. Agent asked him how things were going with the club. Suspect Johnny Ray advised that "business was very good" and that the club was now making some money. Agent also mentioned to him that noticed that he put an ATM machine in. Suspect Johnny Ray stated that he had to fill the ATM two times today and that a lot of his customers were happy that he put it in. This once again shows the type of activity that the Club Royale is currently generating.

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60. After waiting approximately 30 minutes Agent [redacted] was given an open seat on the \$1.00-\$2.00 table. Prior to seating down at the table Agent [redacted] purchased \$300.00 dollars worth of poker chips from SP#6 Curt who was currently working the chip cage. As Agent [redacted] was playing in this live game the patrons at the 5/5 table became very excited about a particular hand. Agent [redacted] stood up from [redacted] seat and walked to the other table to see what was going on.

61. Once at the table Agent [redacted] observed several large bundles of \$100.00 bills in the pot along with a large amount of \$10.00 & \$25.00 poker chips and the dealer only had the flop on the board at the time. As the hand continued the dealer turned over the turn card and the betting once again began. The three players in the hand continued to place bundles of hundred dollar bills into the pot and one player who still had chips in front of him was able to call all of the bets. The hand finally ended and the player in the three seat won the pot. Agent [redacted] and the other players at the table began counting the total dollar amount in the pot. Agent [redacted] estimated the pot to be a little over \$3000.00. This incident once again shows that the size of the poker games held in the Club Royale have grown so much that this establishment is now a full fledged poker room and not a social club as initially announced by Suspect Johnny Ray Rogers.

62. On September 4, 2008, prior to arriving at the Rogers's residence Agent [redacted] went to the Club Royale located at 2665 N. Campbell Ave., in an attempt to locate any discarded trash that the employees might have thrown in the common dumpster located approximately 100 feet west of Club Royale. Note that this dumpster is also used by a business located south of Club Royale known as the Centennial Adult Book Store. (See Exhibit's #5A, #5C, #5D for Details)

63. On Thursday September 4, 2008, at approximately 0930 hrs, surveillance observed the listed yellow Hummer being driven by Suspect Johnny Ray leave his residence located at [redacted] and drive southbound on East Wilmot and Broadway in a very evasive manner. The evasive manner consisted of Suspect Johnny Ray driving in an out of traffic as team one continued to follow him. The listed Hummer continued southbound on East Wilmot and then turned into Park Plaza Shopping Center located on the corner of East Wilmot and Broadway Rd. Agent [redacted] was driving through the parking lot when Suspect Johnny Ray stopped his Hummer directly in front of Agent [redacted] state vehicle and confronted Agent [redacted] about following him. Agent [redacted] advised Suspect Johnny Ray that [redacted] was not following him and then drove out of the area. ADG Agents then terminated the surveillance due to the confrontation with Suspect Johnny Ray.

64. On September 4, 2008, at approximately 1930 hrs, Agent [redacted] while working in an undercover capacity went into the Club Royale located at 2665 N. Campbell in an attempt to talk with Suspect Donna or Johnny Ray Rogers about opening up [redacted] own poker room. ADG Agents were able to observe through the card room window that Agent [redacted] was talking with Suspect Johnny Ray Rogers for approximately 15 minutes and then leave the Club Royale and meet ADG Agents at a pre-determined location. (See Agent [redacted] supplement)

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65. On Friday September 5, 2008, at approximately 0630 hrs, ADG Agents and once again obtained the discarded trash from the common dumpster located in the parking lot to the west of the Club Royale located 2665 N. Campbell Ave. The Agents located several exhibits in various trash bags thrown out by an unknown person from the Club Royale. (See Exhibit's #6A through #6B-1 for Details)

66. At approximately 1822 hrs, Suspect Donna Rogers was observed driving through a Chase One Bank drive thru ATM located at 4711 E. Speedway Blvd., and conducting a transaction at the ATM from her vehicle. (See Exhibit Supplement for Details)

67. On Tuesday, September 16, 2008, 0630 hrs, ADG Agents and obtained several bags of trash from the common dumpster located to the rear of Club Royale located at 2665 N. Campbell Ave. After examining the trash bags, numerous exhibits were located. (See Exhibits #7A through #7-G-1)

68. Exhibits #7A through #7-G-1 show ADG that Suspects Donna and Johnny Ray Rogers continue to run Club Royale at 2665 N. Campbell Ave., as a business and accept the proceeds of this business without a legitimate business license. It also appears that Suspect Johnny Ray Rogers has been borrowing money from Club Royale for some unknown reason, although it is a common practice for Suspect Johnny Ray to play in high stakes poker games as ADG Agents have observed while inside the establishment.

69. On Wednesday, September 10, 2008, at approximately 1300 hrs, a Criminal Analyst working for the Tucson Police Department had conducted a financial check on both Suspect Donna and Johnny Ray Rogers for ADG and provided (exhibits 9A through 9C) involving cash transactions that both Suspect Donna and Johnny Ray Rogers had been involved in 2008. (See Exhibits #9A through #9C)

70. On Thursday, September 16, 2008, at approximately 1830 hrs, SP1 Rogers driving the yellow corvette left the Club Royale on Campbell and was followed northbound. A small gray car traveled in front of the corvette and a white van followed. All three vehicles continued in this manner to River Road westbound to Oracle then northbound to Las Lamittos Road then westbound to tl on the north side of the road. All three vehicles then left the apartments westbound into a residential area. They circled around in this area and came back out to Oracle. All three vehicles then turned southbound to River Road then eastbound to Swan, then northbound to a gated community at Kelsea Place.

71. It should be noted that prior to entering the gated community, the corvette pulled in front of the gray car (possibly to open the gate). All vehicles drove into the gated community and stayed for only a few minutes. No agent was able to determine what house the vehicles went to in the gated community. All three vehicles then exited and were followed to the Red Sky Restaurant near Swan and Glenn. The surveillance was terminated at this point.

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72. On Wednesday September 24, 2008, at approximately 0800 hrs, agents set up two surveillance teams, one team was sent to the Club Royale and the second team was sent to the new address of _____ where it appears Suspect Donna Rogers is now residing. Through additional investigation conducted by ADG Agent _____ we learned that Suspect Donna Rogers is currently residing at _____ Tucson, AZ along with several family members including Suspect Curtis Holland. (See Agent _____ Supplement for Details)

73. On September 25, 2008 at approximately 1530 hrs, surveillance advised that the listed yellow Corvette driven by Suspect Donna Rogers was leaving the Club Royale driving north bound on N. Campbell Ave. Agent _____ watched the vehicle as it continued north bound on N. Campbell Ave, turn left into the parking lot of the Wells Fargo Bank at 2825 N. Campbell Ave. Agent _____ followed the vehicle into the parking lot of Wells Fargo Bank and observed Suspect Donna Rogers walk inside the bank. Agent _____ then exited _____ vehicle and followed Suspect Donna Rogers into the bank. Once inside the bank, Agent _____ observed that Suspect Donna Rogers was sitting down in the business section of the bank in a small office, she was observed talking on her cell phone.

74. Suspect Donna Rogers stood up and walked over to the Business Teller window once a teller appeared. Agent _____ was close enough to Suspect Donna Rogers that _____ heard Donna ask the teller what the necessary requirements were to remove someone from her account. Agent _____ was unable to hear the teller's response. Agent _____ continued to watch Suspect Donna Rogers while she was waiting at the teller window and she continued to talk on her cell phone. The teller had walked away from the window for a short time and then returned at which time Suspect Donna Rogers hung up her cell phone. The teller then counted out \$7,000.00 dollars in U.S. Currency to Suspect Donna Rogers. The denomination of the currency was in \$100.00 dollar bills only. Once she received the monies, Suspect Donna Rogers left the business section of the bank and returned to her vehicle and returned to Club Royale. (See Agent _____ supplement for additional information).

75. On September 26, 2008, at approximately 1400 hrs, ADG's surveillance observed the listed Crown Victoria leave the Club Royale being driven by Suspect Holland proceed northbound on N. Campbell Ave. ADG surveillance advised that the listed Crown Victoria was parking at the Wells Fargo Bank located at 2825 N. Campbell Ave. Surveillance observed Suspect Holland exit his vehicle and walk inside the bank. ADG _____ then exited _____ vehicle and walked inside the bank to observe any transactions Suspect Holland was making.

76. Once inside the bank, _____ observed Suspect Holland standing in a bank teller's line talking on his cell phone. Once at the teller window, _____ observed Suspect Holland produce a form and heard Suspect Holland ask the teller if he needed the form notarized. Suspect Holland advised the teller that he had recently moved to Tucson from out of state and he wanted to open a new account. Suspect Holland then pointed to the form in his hand and told the teller that he was the "new owner" and once again asked if he needed the form notarized. The teller advised him that he did not need the form notarized.

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Suspect Holland advised the teller that he needed to cash a check, however, he then noticed that he had left the check in his vehicle. Suspect Holland then left the tellers window and walked directly to the listed Crown Victoria. Suspect Holland entered the vehicle for a couple of seconds and then walked back inside the bank.

77. Once inside the bank, Suspect Holland returned to the same teller's window as before and handed the teller a check. The teller asked suspect Holland what type of bills he wanted. Suspect Holland advised the teller that he wanted one hundred dollar bills. While Suspect Holland was being paid the one hundred dollar bills by the bank teller, Agent [redacted] who had arrived inside the bank earlier, observed Suspect Holland receive six one hundred dollar bills from the bank teller. Agent [redacted] observed Suspect Holland walk to the customer service desk and sign in to see a representative. Agent [redacted] examined the sign in log and observed the name written on the last entry was "Curt Holland". Suspect Holland was then escorted back to a private desk with a bank representative and he talked briefly with a bank representative.

78. During the conversation that was heard by [redacted] it should be noted that Suspect Holland advised the bank teller that he had just moved to Tucson from out of state. A records check shows that Suspect Holland has lived in Tucson for the past several years and his local address is [redacted] the same address as Suspects Donna and Johnny Ray Rogers. This action shows that Suspect Holland was not being truthful with the bank teller and following a [redacted]

79. For the past several weeks ADG Agents noted that Suspect Johnny Ray Rogers has not been involved in the daily activities of the Club Royale. It appears that Suspect Donna Rogers has been running the daily activities since her and Suspect Johnny Ray have been living at separate locations.

80. On September 27, 2008, at approximately 1025 hrs, Suspect Johnny Ray Rogers was observed driving the listed yellow Hummer from Club Royale north onto N. Campbell Ave., and then into the parking lot of the Wells Fargo Bank located at 2825 N. Campbell Ave., and then Suspect Johnny Ray was observed walking inside the bank. [redacted] responded to the Wells Fargo Bank and walked inside the Wells Fargo Bank directly behind Suspect Johnny Ray Rogers. [redacted] observed Suspect Johnny Ray Rogers standing in line waiting to advance to a teller window. [redacted] stood behind several patrons who were also in line waiting to conduct a banking transaction.

81. Once Suspect Johnny Ray Rogers reached the tellers window, [redacted] observed a H/F teller counting out several one hundred dollars in U.S. Currency for a withdrawal for Suspect Johnny Ray Rogers. While the H/F teller was counting out the money suspect Johnny Ray was on his cell phone talking with a subject named Matt. [redacted] heard Suspect Johnny Ray say to the subject on the phone, "Matt, tell them I'm bringing back large". Suspect Rogers then counted the money a second time and left the bank. He drove the listed yellow Hummer directly back to Club Royale located at 2665 N. Campbell Ave.

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This action by Suspect Johnny Ray shows that he is currently conducting banking transactions at the Wells Fargo Bank at 2825 N. Campbell Ave.

82. On September 27, 2008, at approximately 1500 hrs, surveillance advised that Tucson PD had stopped the listed Crown Victoria driven by Suspect Curtis Holland at E. Grant St., and Wilmot St., for an unknown traffic violation. Approximately 5 minutes after Tucson PD had stopped the Crown Victoria, Suspect Donna Rogers arrived in a white van with her older sister Debbie. (See Agent [redacted] Supplement).

83. The Tucson PD Officer then issued Suspect Curtis Holland a citation (No Arizona Driver License), and allowed Suspect Donna Rogers to take possession of the listed Crown Victoria, as it is registered to her. After signing his citation for No Arizona Driver License, Suspect Curtis Holland sat in the front passenger seat of the Crown Victoria and Suspect Donna Rogers then drove the vehicle back to [redacted].

84. On September 27, 2008, at approximately 2040 hrs, while working in an undercover capacity Agent [redacted] went inside the Club Royale located at 2665 N. Campbell Ave., with the sole purpose of entering into an active illegal poker game and to obtain any additional intelligence on how the poker room is currently being run. Once inside Agent [redacted] observed that the club had two live poker games going. One game was located at table #6 being a \$1.00-\$2.00 no limit Texas Hold'Em game and the second game was located on table #3 also being a \$1.00-\$2.00 no limit Texas Hold'Em game going with Suspect Johnny Ray Rogers playing in that game. Suspect Charles Hauser was working as the poker room manager and asked Agent [redacted] if [redacted] wanted to play on table #7 since they had a seat currently open. Agent [redacted] advised him that [redacted] would take that seat. Suspect Hauser then escorted Agent [redacted] to seat #1 at the table next to the dealer. Suspect Hauser asked Agent [redacted] what dollar amount of poker chips [redacted] wanted to purchase. Agent [redacted] advised him that [redacted] wanted \$300.00 dollars worth of chips and then handed him \$300.00 from [redacted] undercover funds and Suspect Hauser approached the chip cage and purchased [redacted] poker chips. While waiting for [redacted] poker chips Agent [redacted] observed that both tables with active games going on had nine players at each table. Suspect Shannon Lewis was currently dealing on table #7 and Agent [redacted] was unable to identify the dealer on table #3.

85. Once Agent [redacted] received [redacted] poker chips from Suspect Hauser [redacted] observed that the players on the table were not placing \$3.00 worth of poker chips on the button when it was in front of them like they had in the previous games that [redacted] had played in Club Royale. In prior games the \$3.00 that each player would place on the button was the house rake for each hand dealt. Agent [redacted] asked Suspect Shannon why players were not placing the \$3.00 rake money on the button. Shannon advised [redacted] that since the lawsuit involving the Pascua-Yaqui Tribe, Club Royale is no longer taking a table rake for each hand dealt. Club Royale now required a table fee of \$5.00 from each player at the table every 30 minutes they play in an active game.

86. Agent [redacted] then asked Suspect Shannon what brought this on since the club is still making about the same amount from the table fee as they would on a table rake. Suspect [redacted]

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Shannon advised that with a table fee "they, referring to Suspects Donna and Johnny Ray Rogers", don't have to report the money as income since now it is a business expense. Suspect Shannon continued to say that the courts had ordered both Donna and Johnny Ray Rogers to disclose their financial records from Club Royale. This pertains to the lawsuit filed against Club Royale by the Pascua-Yaqui Tribe. This way they will be able to cover up some of the proceeds from the poker room because they will be writing them off as a business expense instead of a profit from the original table rake they used to receive. The action of charging a table fee of \$5.00 per ½ hour from each active poker player by Club Royale owners Donna and Johnny Ray Rogers is still considered the house proceeds

87. While Agent was playing poker over the next hour observed that the atmosphere in the poker room was extremely quiet compared to the previous times played poker. Agent asked Suspect Shannon what was going on and why the room was so quiet. Suspect Shannon advised that Donna and Johnny Ray referring to Suspects Donna and Johnny Ray Rogers were splitting up and Donna was taking over all the action from the poker room and letting Johnny Ray take care of the tattoo parlors that they own. Agent asked Shannon if he knew if the tattoo parlors were doing any business. Shannon advised that he did not think so since Johnny Ray was still playing a lot of poker either at Club Royale or at the Indian Casinos.

88. At approximately 2130 hrs, Agent cashed in poker chips at the chip cage showing that had lost \$75.00 of undercover money while playing in the live poker game and then exited the card room. Agent then met with investigating agents for a debriefing at a pre-arranged location and advised them of the information had obtained in the poker room.

89. On Monday September 29, 2008, at approximately 0730 hrs, Agent conducted a trash pick up from the common dumpster located to the rear of the Club Royale located at 2665 N. Campbell Ave. (See Exhibit's #10-A through #11-I for Details)

90. On Monday September 29, 2008, at approximately 0830 hrs, Agent again conducted a trash pick up from the Waste Management Company who provides the service for the residence at belonging to Suspects Donna and Johnny Ray Rogers. (See Exhibit's #12A through #12G for Details)

91. On Monday September 30, 2008, at approximately 0830 hrs, Agent again conducted a trash pick up from the Waste Management Company who provides their service for the residence of being the new address of Suspect Donna Rogers. (See Exhibit Supplement for Details)

92. On September 30, 2008, at approximately 1500 hrs, surveillance observed a W/M driving the listed yellow Corvette belonging to Suspect Donna Rogers northbound on N. Campbell Ave.

93. Agent who maintained the lead position on the Corvette observed the vehicle drive into the Wells Fargo Bank located at 2825 N. Campbell Ave and park in the parking

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lot. Agent observed the W/M, 25-28 years, 5'6" to 5'8", 140-160 lbs, wearing a black t-shirt and brown kaki pants enter the bank through the main entrance located on the north side of the building carrying what appeared to be a bank bag. Agent walked inside the bank and observed the W/M at a teller's window with what appeared to be a bank deposit slip in his hand. The W/M then removed what appeared to be a large amount of U.S. Currency consisting of a 2 to 3 inch thick stack of U. S. currency from the bank bag and hand it to the female teller. The teller then began counting all the bills handed to her by this W/M. Agent was unable to learn the total amount of the deposit. The W/M then completed the deposit transaction, received a receipt from the teller and exited the bank.

94. The W/M then drove the listed yellow Corvette south bound on N. Campbell Ave., from the bank to a business named the Letter Box, a mail carrying service, located at 2509 N. Campbell Ave., and walked inside and remained inside for approximately 5 minutes.

95. The W/M then exited the Letter Box carrying a white package approximately 6 inches wide and 10-12 inches in length in his left hand, entered the vehicle and returned to the Club Royale located at 2665 N. Campbell Ave. The W/M then walked inside the Club Royale carrying the same package he had picked up at the Letter Box. Note this is the first time during this investigation that somebody other than Suspect Donna Rogers had driven the listed yellow Corvette.

96. At approximately 1530 hrs, the listed yellow Corvette left the Club Royale driven by Suspect Donna Rogers and a W/M sitting in the front passenger seat. The vehicle then proceeded north bound on N. Campbell Ave., and drove northeast into the mountain area of Tucson. The surveillance team was able to follow the Corvette into a secluded gated community and observed that Donna Rogers was parked at looking at the home that had a for rent sign in the front yard. It appeared that Suspect Donna Rogers was writing down all the information on the rental sign.

97. During the past several days of surveillance ADG Agents have observed that Suspect Johnny Ray Rogers has not been directly involved in any activity at Club Royale. Suspect Johnny Ray Rogers has not been observed at Club Royale and the listed yellow Hummer has remained at his residence at Suspect Donna Rogers now appears to be running all operations at Club Royale. When Donna is not present at the club it appears that either Suspect Holland or Suspect Hauser have been running the Club operations.

98. During the entire time frame of our surveillance all of the listed vehicles remained parked at the Club Royale or the residence of Donna and Johnny Ray Rogers. ADG Agents have noted that Suspect Donna Rogers does not appear to be residing the as her yellow Corvette has not been observed at that location for several days.

99. On October 2, 2008, at approximately 1300 hrs, surveillance team two observed the listed yellow Corvette leave address with Suspect Donna Rogers driving the car and a W/M in the front passenger seat. The yellow Corvette proceeded to go west bound

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for. and drive directly to where both Suspect Donna Rogers and the W/M went inside the residence. After remaining inside for a brief time Suspect Rogers and the W/M both walked outside and got into a silver Tundra P/U and drove out of the area. During the next several hours Suspect Donna Rogers drove the listed P/U to several furniture stores. Surveillance team two sent ADG Agents inside several of the stores and observed Suspect Rogers looking at home furnishings. At approximately 1630 hrs, Agent entered the Sam Levitz Store and observed Suspect Donna Rogers purchase household furnishings. (See Agent Supplement for Details). This action indicates that suspect Donna Rogers is spending proceeds that she is currently receiving from the Club Royale to purchase personal items with those proceeds. (See Supplement)

100. At approximately 1800 hrs, Suspect Donna Rogers arrived at Club Royale driving the silver Tundra pick-up. She was in the Club for approximately 30 minutes and then left the club with the W/M who has been with her for the entire day. Suspect Donna Rogers then proceeded to several stores on E. Grant Street during the next several hours purchasing what appeared to be new household items. At approximately 2100 hrs, Suspect Donna Rogers drove the listed truck back to her residence located at and removed all merchandise from the pick-up and took those items into her residence.

101. On October 8, 2008, at approximately 1539 hrs, the listed yellow Corvette left with Suspect Donna Rogers driving. The listed Corvette then proceeded to drive directly to the Jim Click Ford Dealership on E. Wilmot and 22nd St. Suspect Donna Rogers then parked her vehicle and got into the front passenger seat of a dark colored Ford being a 2007, Ford 4dr registered to Enterprise Leasing Company located at 5440 E. Speedway in Tucson, AZ. The Ford was being driven by a W/F who left the dealership for approximately 20 minutes and then returned. At approximately 1745 hrs, Suspect Donna Rogers then got into the listed Corvette and drove to the Fusion Wasabi Restaurant located at Broadway Rd. & E. Craycroft. Suspect Donna then walked inside the restaurant with her daughter and a small child to have dinner.

102. On Thursday, October 9, 2008, at approximately 0900 hrs, Agent entered Club Royale and became involved in conversation with Suspect Johnny Ray and then exited Club Royale at approximately 0950 a.m. (See Agent Supplement).

103. On Friday October 10, 2008, at approximately 0600 hrs ADG Agent removed several bags of trash from the common dumpster used by the Club Royale at 2665 N. Campbell Ave. (See Exhibit's #14A through #14F for Details)

104. On Tuesday October 14, 2008, at approximately 0600 hrs, ADG Agent removed several bags of trash from the common dumpster used by the Club Royale at 2665 N. Campbell Ave. (See Exhibit's #15B through #15N for Details)

105. On Wednesday October 15, 2008, at approximately 0630 hrs, Agent conducted a trash pick up from the common dumpster used by the Club Royale located at 2665 N. Campbell Rd. (See Exhibit's #16A through #16K for Details)

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106. On October 15, 2008, at approximately 1500 hrs, Agent [redacted] obtained the below listed exhibits from the Waste Management Company who handles Suspect Donna Rogers garbage services. (See Exhibit Supplement for Details)

107. On Thursday, October 16, 2008, at approximately 1915 hrs, Agent [redacted] and Agent [redacted] while working in an undercover capacity went into Club Royale located at 2665 N. Campbell Ave., in an attempt to obtain any additional intelligence information from the employees or patrons inside the club on how Club Royale is being operated.

108. Agent [redacted] was contacted by Suspect Hauser as soon as [redacted] entered the card room. He advised me that he currently had an open seat on table #3 which has a \$1.00-\$2.00 no limit Texas Hold'Em gaming going on. Agent [redacted] advised him that [redacted] would take that seat at which time he took Agent [redacted] \$300.00 in undercover money for the poker chips [redacted] needed to purchase. Agent [redacted] then took the #1 seat at the table and observed that Suspect Shannon was the current dealer at the table. Agent [redacted] then proceeded to play in the live poker game over the next hour and talked with several patrons at the table.

109. A W/M approximately 25 years old, 5' 10", weighing approx 240 lbs was telling Agent [redacted] that he was playing in a game last night at Club Royale and he won over \$1,800.00 off of the owner Johnny Ray who is Suspect Johnny Ray Rogers in this report. This W/M went on to state that he has been playing in the higher stake games inside Club Royale and that he knows personally that Suspect Johnny Ray Rogers has been losing a lot at the poker tables lately.

110. Agent [redacted] also had a brief conversation with Suspect Shannon who advised that Johnny Ray referring to Suspect Rogers is pretty much out of running the card room anymore since Donna referring to Suspect Donna Rogers and he have split up. Suspect Shannon also advised Agent [redacted] that he was going to start to look for job dealing since he was not getting enough hours now that Donna has taken over the business.

111. Agent [redacted] continued to play for approximately 1 hour, at which time [redacted] excused himself from the table and cashed in [redacted] poker chips at the chip cage. During the time Agent [redacted] was playing in this live poker game [redacted] managed to win a couple of hands at the table and came out with \$155.00 in winnings when [redacted] cashed in [redacted] poker chips. Agent [redacted] also observed that Agent [redacted] had already left the poker room and was already on way to a pre-arranged location to meet and de-brief with the surveillance team. Agent [redacted] then exited the poker room and went directly to a pre-arranged location to de-brief. Agent [redacted] turned over [redacted] undercover funds to [redacted] including the \$155.00 that [redacted] had won while playing in the live game.

112. On Monday, October 20, 2008, at approximately 0600 hrs, ADG Agent [redacted] met with Waste Management and received trash from [redacted] (See Exhibit #18 for Details)

113. On Tuesday, October 21, 2008, at approximately 0600 hrs, ADG Agent [redacted] removed several bags of trash from the common dumpster used by the Club Royale at [redacted]

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2665 N. Campbell Ave., Agent also met with Waste
Management and received trash from (See Exhibit's #19 and #20
for Details)

114. On Friday, October 24, 2008, at approximately 0900 hrs, ADG Agent removed several bags of trash from the common dumpster used by the Club Royale at 2665 N. Campbell Ave. (See Exhibit #21 for Details)

115. On Friday, October 24, 2008, at approximately 1115 hrs, ADG Agent again removed several bags of trash from the common dumpster used by the Club Royale at 2665 N. Campbell Ave. (See Exhibit #22 for Details)

116. On Wednesday, December 10, 2008, at approximately 1045 hours, Agent was conducting surveillance at Tucson, AZ., and observed the suspect vehicle, a yellow Hummer (TA2 Tank) owned by Suspect Johnny Ray Rogers parked in the driveway of the residence. At approximately 1115 hrs, drove to where observed the suspect vehicle, a yellow Corvette belonging to Suspect Donna Rogers parked in the driveway of the residence along with a brass colored mini-van.

117. On Thursday, December 11, 2008, at approximately 0600 hrs, Agent checked the business activity of the Club Royale on 2665 N. Campbell Ave. noted that one poker table was open for live game business. also copied the following Arizona vehicle license plates at the Club Royale: Two (02) yellow cabs,

At 0700 hrs, Agent again checked activity at and observed the suspect vehicle, a yellow Corvette, also a brass colored mini-van and a white jeep Cherokee with an Arizona license plate of

118. On Thursday, December 11, 2008, at approximately 0730 hrs, Agent checked activity at and noted that the Suspect yellow Hummer, a utility trailer and a Gray Mitsubishi Lancer with an Arizona license plate parked at this location. At 1530 hrs, December 11, 2008, again checked activity at the residence located at and noted that the suspect vehicle, a yellow Hummer, still parked at this location.

119. On Thursday, December 11, 2008, at 1600 hrs, Agent checked and observed the suspect vehicle yellow Corvette, the vehicle suspect white Crown Victoria and a silver Lincoln parked in the driveway of the residence. At approximately 1720 hrs, Agent checked activity at the Club Royale and observed that it was open for business and the listed registered vehicles: one (01) yellow cab.

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120. On Friday, December 12, 2008, at 0550 hrs, Agent [redacted] checked activity at the Club Royale business and observed that the Club Royale was open and that one live poker game table was open. Agent [redacted] noted that the listed vehicles were parked in the parking lot: [redacted] At approximately 0700 hrs, [redacted] drove to [redacted] where [redacted] observed the suspect yellow Corvette parked in the driveway at the residence. Also parked in the driveway was a white Jeep Cherokee [redacted] and a black Chevrolet pick-up truck

121. On Friday, December 12, 2008, at 0720 hrs, Agent [redacted] checked activity at [redacted], and observed the suspect yellow Hummer in the driveway along with a gray Mitsubishi Lancer [redacted], the motor home and miscellaneous utility trailers.

C. FACTS:

122. Donna Mello Rogers and Johnny Ray Rogers opened Club Royale Card Room at 2665 N. Campbell Ave. Tucson, AZ on July 25, 2008. A Commercial Lease Agreement between Merlyn D. Albright, dba MBD Properties and (owners) Donna Rogers and Johnny Rogers dated July 8, 2008, for a period of one year. The listed lease will be for the premises described as an Adult Social Club (Card Playing), in the amount of \$5,500.00 monthly plus 2.5% sales tax equaling \$137.50 monthly, for a total monthly payment of \$5637.50.

123. The Club Royale is operating an illegal gambling operation.

124. The Club Royale does not meet the definition of regulated gambling pursuant to A.R.S. 13-3301.6

125. The Club Royale does not meet the definitions of social gambling pursuant to A.R.S. 13-3301.7, therefore, Club Royale gambling activities cannot be excluded.

126. The gambling activity is being conducted as a business.

127. The Club Royale requires patrons to become members of Harold Lee's International Card and Game Players Association (ICGPA). Harold Lee charges a \$20.00 annual membership fee to each member. Patrons must be members of the ICGPA in order to participate in card play. Harold Lee is receiving an indirect benefit from the gambling activity.

128. The Club Royale began operations on July 25, 2008 charging a \$3.00 button fee. The button fee identifies each player required to pay the \$3.00 fee as the button rotates to each player as a new card game is dealt. Button fees are required to be paid by the player in order to continue playing in the game. The button fee goes directly to the house. Donna Mello Roger and Johnny Ray Rogers are receiving a direct benefit from the gambling activity.

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129. On September 27, 2008, Donna Mello Rogers and Johnny Ray Rogers modified the \$3.00 button fee to a flat \$5.00 fee to every player at the card table each and every ½ hour. This change was brought forth due to the Pascua Yaqui civil suit against the Rogers and Club Royale. Donna Mello Rogers and Johnny Ray Rogers continue to receive a direct benefit from the gambling activities.

130. Donna Mello Rogers and Johnny Ray Rogers sell bottled water, beverages and snack foods at Club Royale asking a preset mandatory donation for each specific item offered. This is an additional form of them receiving an indirect benefit from the gambling activity.

131. On August 5, 2008, Harold Lee sold Donna Mello Rogers and Johnny Ray Rogers an Arizona Card Room System Licensing Agreement (franchise) for a \$5,000 annual fee. This franchise agreement between Harold Lee and the Rogers provides Harold Lee an indirect benefit from the gambling activity. Additionally, the Club Royale is required to pay a weekly fee of 15% of the accessory charges (button fee) to the Arizona Card Room owned by Suspect Harold Lee.

132. Beginning July 25, 2008 through the current date, Suspect/s Donna Mello-Rogers and Johnny Ray Rogers are knowingly sponsoring illegal Texas Hold'em and Omaha High – Low live no limit poker games and Tournaments at the Club Royale Card Room located at 2665 N. Campbell Ave., in Tucson, AZ, which is owned and operated by both suspects.

133. Direct observations conducted between July 25, 2008 to October 24, 2008, while Agent _____ and Agent _____ participated in several inside contacts into the Club Royale shows that this card room has now expanded to a very high profile poker room. Initially described as a social gambling room, Club Royale has now become an organized business establishment, drawing professional poker players and additional non-professional players to the location with an opportunity to wager some cash in an attempt to win larger jackpots.

134. Once a professional card player becomes involved in a game of this type it shows that a higher percentage of money from the winning hand goes to him or her. Suspect Johnny Ray and Donna Rogers are gaining a large profit from their table rake of \$3.00 for each hand that is dealt. They are now charging a \$5.00 per ½ hour fee to each player so each individual player can remain in the poker game they are currently participating in. The primary reason for the creation of the Club Royale is to invite participants inside this business to conduct live poker games for profit.

135. That Suspect/s Donna Mello Rogers and Johnny Ray Rogers have continued to make banking deposits under the business name Club Royale, account _____ from August 1, 2008 to October 9, 2008 in an amount totaling \$44,506.00, as documented in Wells Fargo Bank, N.A., financial statements that were received by the Tucson Police Department through several affidavit requests. (See Exhibits #24 through #29)

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136. That suspect Donna Mello Rogers received a direct benefit from the gambling proceeds received from the Club Royale for personal use as shown in surveillance supplements and financial documents. SP1 Donna Rogers purchased furniture, provided dining, entertainment to friends and family members. She also leased a residence located at _____ with an estimated value in 2008 of \$802,968.00.

D. ANALYSIS

137. Suspect Donna Mello Rogers, W/F, DOB: _____ and Johnny Ray Rogers, W/M, DOB: _____ conspired to conduct illegal gambling operations at Club Royale located at 2665 N. Campbell Ave., Tucson, Az., in violation of A.R.S. 13-1003 (A), Conspiracy, a Class 5 Felony.

138. Suspect/s Donna Mello Rogers, Johnny Ray Rogers and Harold Lee committed Conducting a Criminal Enterprise pursuant to A.R.S. 13-2312.B by participating directly in the conduct of Racketeering a Class 3 Felony. Racketeering is defined as an act, including any preparatory or completed offense, that is chargeable or indictable under the laws of the state or country in which the act occurred. In this instance, the act is Illegal Gambling for Financial Gain, pursuant to A.R.S. 13-2301 (4) (b) (vii).

139. Suspect/s Donna Mello Rogers, W/F, DOB: _____ and Suspect Johnny Ray Rogers, W/M, DOB: _____ committed Promotion of Gambling pursuant to A.R.S. 13-3303(a) (1), Conducts, organizes, manages, directs, supervises or finances gambling, a Class 5 Felony by owning/operating the Club Royale, and managing and supervising all tournament and cash games played in their establishment.

140. Suspect/s Donna Mello Rogers, W/F, DOB: _____ and Suspect Johnny Ray Rogers, W/M, DOB: _____ committed Promotion of Gambling pursuant to A.R.S. 13-3303(a) (2), Furnishes, advise or assistance for the conduct, organization, management, direction, supervision or financing of gambling, a Class 5 Felony, by promoting/advertising all of their tournament games and live poker games on the their website the Club Royale.

E. CONCLUSION

141. The investigation conducted by this Agent of the Arizona Department of Gaming has clearly established that Donna Mello Rogers and Johnny Ray Rogers have committed Conspiracy to conduct Illegal Gambling Operations, A.R.S. 13-1003, (A), a Class 5 Felony, Conducting a Criminal Enterprise, A.R.S. 13-2312 (B), a Class 3 Felony, Promotion of Gambling A.R.S 13-3303(a)(1), a Class 5 Felony, Promotion of Gambling A.R.S. 13-3303(a)(2), a Class 5 Felony and Benefiting From Gambling pursuant to A. R. S. 13-3304(a).

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F. RECOMMENDATION:

142. Based upon the information gathered during this investigation this report will be submitted for review to the Pima County Attorneys Office requesting that both Suspect/s Donna Mello Rogers and Johnny Ray Rogers be charged with Conspiracy to conduct Illegal Gambling Operations, A.R.S. 13-1003, (A), a Class 5 Felony, Conducting a Criminal Enterprise, A.R.S. 13-2312 (B), a Class 3 Felony, Promotion of Gambling A.R.S. 13-3303(a)(1), a Class 5 Felony, Promotion of Gambling A.R.S. 13-3303(a)(2), a Class 5 Felony and Benefiting From Gambling pursuant to A. R. S. 13-3304(a).

EXHIBITS

1. See attached exhibit addendum containing descriptions of exhibits #1 through #30.
2. See attached supplements written by surveillance agents involved in this investigation.

Submitted By: _____	Date: _____
Approving Supervisor: _____	Date: _____